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UNITED STATES DISTRICT COURT
for the
Southern District of Texas

United States Courts
Southern District of Texas
FILED

August 04, 2022

United States of America

v.

Eduardo MENDIOLA

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)

Nathan Ochsner, Clerk of Court

Case No. **4:22-mj-1837**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 17, 2021 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

Title 18, United States Code,
Sections 18 USC § 924 (a)(1)(A).

Offense Description

On August 17, 2021, in the Southern District of Texas, the defendant, Eduardo MENDIOLA, knowingly made a false statement and representation to Myrl's Country, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 Title 18, United States Code, to be kept in the records of Myrl's Country, in that Eduardo Mendiola provided an incorrect address, in violation of Title 18, United States Code, Sections 18 USC § 924 (a)(1)(A).

This criminal complaint is based on these facts:

See attached affidavit of probable cause

Continued on the attached sheet.

Melissa Quiroz

Complainant's signature

Melissa Quiroz, Special Agent ATF

Printed name and title

Sworn to before me telephonically.

Date: August 04, 2022

City and state: Houston, Texas

Yvonne Y. Ho

Judge's signature

Yvonne Y. Ho, United States Magistrate Judge

Printed name and title

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Melissa Quiroz, duly sworn do hereby depose and state:

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed since February of 2019. I am presently a member of the ATF Houston Field Division, Brownsville Satellite Office. As a Special Agent of the ATF, my duties and responsibilities include conducting criminal investigations of individuals and entities for possible violations of federal law, particularly those laws found in Title 18 of the United States Code. I have previously participated in investigations which resulted in the arrests, searches, and seizures of individuals and or property.

2. Currently, I am assigned to the ATF Brownsville Satellite Office, which is responsible for the investigations of individuals who have committed federal firearms violations. These violations include but are not limited to the unlawful possessions of firearms by prohibited individuals, straw purchasing, which is the illegal purchasing of a firearm on behalf of another individual, firearms trafficking which is the movement of firearms out of lawful commerce into the illegal marketplace, and the use of firearms in furtherance of criminal acts.

3. I am a graduate from the Federal Law Enforcement Training Center and the ATF National Academy. This training included several hundreds of hours of comprehensive, formalized, and specialized instruction on numerous subjects including, but not limited to firearms and ammunition classification, firearms proficiency, firearms trafficking, the illicit possession of firearms/ammunition, explosives classification, bombing scene investigation, arson

investigation, physical surveillance, electronic surveillance, and undercover operations. I have also consulted with other federal agents who have extensive and specialized experience in conducting, firearms and/or ammunition trafficking, violent crime investigations, and other investigations of violations of federal law.

4. In connection with my official duties, I have participated in numerous firearms trafficking investigations of alleged criminal violations of the Gun Control Act of 1968 and the National Firearms Act of 1934 laws and I am familiar with the methods and practices of firearm and ammunition trafficking organizations. Specifically, I have participated in investigations involving the purchase of firearms from suspected firearms traffickers using undercover operatives.

5. On August 17, 2021, EDUARDO MENDIOLA, hereafter referred to as EDUARDO, completed a Federal Firearms Records ATF Form 4473 at Myrl's Country, a federal firearm licensee located at 3903 Colquitt Street, Houston, Texas. EDUARDO purchased two firearms described as a Pioneer, Hellpup model, 7.62x39mm caliber pistol bearing serial number PAC1155514 and a Pioneer, Hellpup model, 7.62x39mm caliber pistol bearing serial number PAC1155267. While acquiring said firearms, in response to Question 10 "Current State of Residence and Address," EDUARDO listed his residence as 801 Alameda, Mission, Texas 78574.

6. Further review of EDUARDO's ATF Form 4473 revealed that he signed his name on line 22 "Transferee's/Buyer's Signature" signifying that all answers to Section B of the form were true and correct when in fact they were not.

7. On July 05, 2022, ATF agents interviewed Jose Mendiola, hereafter referred to as JOSE, who stated that he and EDUARDO, drove at EDUARDO's request, on August 17, 2021,

to Federal Firearms Licensee (FFL) Myrl's Country in Houston, Texas to purchase firearms. JOSE stated that he and EDUARDO completed Federal Firearms Record ATF Form 4473 (ATF Form 4473) at the FFL for the purchase of five firearms. EDUARDO purchased the two previously identified firearms. The FFL stated the firearms were purchased in cash. JOSE stated the firearms were paid by EDUARDO. After purchasing the firearms, JOSE stated that he and EDUARDO drove back to EDUARDO'S home at Francisco Avenue and then took the firearms to a known stash house where the firearms were delivered.

8. On July 19, 2022, ATF agents attended a debrief for a subject arrested for Alien in Possession of Ammunition, who stated that he was recruited by EDUARDO in 2021 to purchase ammunition. The subject stated that he had previously given EDUARDO a ride home to the address on Francisco Avenue and on multiple occasions he had delivered boxes of ammunition to the address on Francisco Avenue at EDUARDO's request.

9. On July 27, 2022, SA M. Quiroz verified through a local agency that EDUARDO's wife, DORIA, hereafter referred to as DORIA, applied for benefits, providing her current address of 3207 Francisco Avenue, Mission, Texas since July of 2019. DORIA lists EDUARDO as a member of the household since first applying for benefits in 2011 and continues to list EDUARDO as a household member on her recent application on June 30, 2022. ATF agents have conducted surveillance of the home and physically seen EDUARDO coming and going on several occasions at the residence on Francisco Avenue. Also, agents have seen vehicles that belong to EDUARDO and DORIA at late hours of the night at the residence. DORIA has stated to agents that EDUARDO, along with their three children live at the residence on Francisco Avenue.

10. On June 29, 2022, Agents attempted to interview DORIA's brother Diego De Luna, hereafter referred to as DIEGO, at 801 Alameda Drive, Mission, Texas, for his purchase of a Barrett, M82A1 model, .50 BMG caliber rifle bearing serial number AA012343. DIEGO completed ATF Form 4473 for the Barrett rifle on June 14, 2021 and provided the address of 801 Alameda Drive Mission, Texas. When arriving at the residence agents noticed the house appearing worn down and vacant. Agents did not speak to DIEGO, or anyone, at the residence and left a contact card requesting that DIEGO contact agents. Agents asked neighbors at the Alameda Drive residence if they knew who lived at the residence at 801 Alameda Drive. The neighbors stated the home belonged to the De Luna family, but they had not seen anyone at the home recently. The neighbors did mention seeing one of the De Luna sons at the home but did not provide specific dates. On July 06, 2022, DIEGO contacted agents via telephone and stated he was out of town and not willing to speak to agents at the time.

11. On August 01, 2022, EDUARDO's mother-in-law, Alma De Luna, hereafter referred to as ALMA contacted agents via telephone. ALMA stated she has been living in Mexico City for the past two years. On August 03, 2022, agents contacted ALMA via telephone. ALMA stated to agents that her home of 801 Almeda Drive, Mission, Texas is currently vacant and appears abandoned. ALMA stated that EDUARDO and her daughter, DORIA had lived at her home and moved out of the home three years ago. ALMA stated she remembers EDUARDO and DORIA saving money to purchase the home on Francisco Avenue. ALMA stated when she moved to Mexico two years ago, EDUARDO and DORIA no longer lived at 801 Alameda Drive. Alma stated her three sons continued to reside at 801 Alameda Drive. ALMA stated her sons moved out one by one after ALMA did not return from Mexico, but Alma did not provide specific dates of when her sons moved out of 801 Alameda Drive. ALMA stated when

EDUARDO and DORIA married, they began using the address on Alameda Drive and have knowingly continued to use the address despite not residing there. ALMA stated all her children use her address of 801 Alameda Drive, Mission, Texas even though they do not live there.

12. Based on the above facts, your affiant believes there is probable cause that EDUARDO MENDIOLA knowingly provided a false statement during the purchase of a firearm in violation of Title 18 USC §924 (a)(1)(A).

Melissa Quiroz
Melissa Quiroz,
Special Agent ATF

Sworn to before me and subscribed in my presence on this the 4th day of August 2022 and I find probable cause.

Yvonne Y. Ho
Yvonne Y. Ho
United States Magistrate Judge